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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No. '08 MJ 0217
v.	COMPLAINT FOR VIOLATION OF
Carlos David QUINONEZ Sr.	Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien Without Presentation
Defendant.	

The undersigned complainant being duly sworn states:

On or about **January 24, 2008,** at the San Ysidro Port of Entry, within the Southern District of California, defendant **Carlos David QUINONEZ Sr.,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Raul ESQUIVEL-Olvera,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[signature]

SIGNATURE OF COMPLAINANT
Claudia Rios, Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **JANUARY 2008.**

[signature]

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Raul ESQUIVEL-Olvera** is a citizen of a country other than the United States; that said alien admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 24, 2008, at approximately 0047 hours, **Carlos David QUINONEZ Sr. (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry vehicle lanes. Defendant was the sole visible occupant and driver of a red 2000 Toyota Avalon. Defendant approached a U.S. Customs and Border Protection (CBP) officer, presented his California drivers license and told the officer that he was not bringing anything from Mexico. Defendant also told the officer he worked for the county of Orange while presenting a Registered Process Server identification card issued by the Orange County Clerk-Recorder. The CBP officer conducted an inspection of the vehicle and discovered a person concealed in the trunk. CBP officers escorted Defendant and vehicle to secondary for further inspection.

In secondary inspection, a male was removed from the trunk. He is now identified as **Raul ESQUIVEL-Olvera** and was held as a Material Witness. Material Witness was determined to be a citizen of Mexico with no entitlements to enter the United States.

During a videotaped proceeding Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. During a subsequent interview Defendant admitted knowledge that an undocumented alien was concealed in the vehicle. Defendant stated he decided to smuggle the undocumented alien into the United States because he felt sorry for him. Defendant stated he was not to receive any sort of compensation for smuggling the person into the United States and intended to take him to Orange County.

A videotaped interview was conducted with Material Witness. Material Witness stated he is a citizen of Mexico and has no documents to lawfully enter the United States. Material Witness stated he was picked up by Defendant at a hotel in Tijuana and placed in the trunk of a vehicle. Material Witness stated his wife made the smuggling arrangements with Defendant and was to pay $2,800.00 U.S. dollars to be smuggled into the United States. Material Witness stated he intended to travel to Anaheim, California to resume residence and employment.